

Contemporary Communications

June 10, 1996

Mr. William F. Caton, Acting Secretary
FEDERAL COMMUNICATIONS COMMISSION
Room 222
1919 M Street, NW
Washington, DC 20554

Re: Petition for Rule Making
New FM - Channel 253A
Battle Mountain, Nevada

BOOKET FILE COPY ORIGINAL

RECEIVED

11/19/96

FCC - JL ROOM

JUN 12 1996

Dear Mr. Caton:

Enclosed please find an original and five copies of a Petition for Rule Making, filed on behalf of BATTLE MOUNTAIN COMMUNICATIONS, requesting the allotment of FM Channel 253A to Battle Mountain, Nevada, as that community's first local FM service.


If this proposal is ultimately adopted, BATTLE MOUNTAIN COMMUNICATIONS will promptly apply for authority to construct and operate a new station on the proposed channel.

An additional copy of the first page of the petition is enclosed. Please date-stamp and return to us in the enclosed postage-paid envelope.

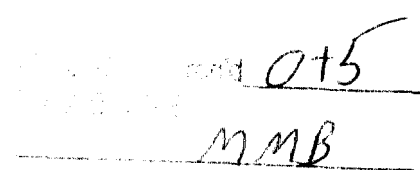
If there are any questions, please advise.

Respectfully submitted,

CONTEMPORARY COMMUNICATIONS


Larry G. Fuss
Consultant to Battle Mountain Communications

enclosures (as above)


015
MMB

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations
(Battle Mountain, Nevada)

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MM Docket _____

RM - _____

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JUN 12 1996

To: The Chief, Allocations Branch

AUDIO SERVICES DIVISION

PETITION FOR RULE MAKING

Comes now BATTLE MOUNTAIN COMMUNICATIONS (hereafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to allocate FM Channel 253A to Battle Mountain Nevada, as that community's first local FM service.

Proposal of Petitioner:

<u>City</u>	<u>Channel Numbers</u>	
	<u>Present</u>	<u>Proposed</u>
Battle Mountain, Nevada	---	253A

In support of this proposal, the following information is herewith submitted for consideration:

Battle Mountain is an incorporated community located in Lander County in north central Nevada, approximately 275 kilometers northeast of Reno, Nevada. The city population is 2,755 and the county population is 6,266. ^{1/} Currently, there are no broadcast stations (AM, FM or TV) licensed to serve Battle Mountain, Nevada. Adoption of this proposal will provide Battle Mountain with its first local broadcast service.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Battle Mountain, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, without the imposition of a site-restriction.

^{1/} Population figures from the 1990 U.S. Census.

If this proposal is adopted, Petitioner will promptly apply for authority to construct and operate a new FM broadcast station at Battle Mountain, Nevada. If a construction permit is granted, Petitioner will promptly construct and operate the proposed station.

In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,


BATTLE MOUNTAIN COMMUNICATIONS



Dale A. Ganske
5546-3 Century Avenue
Middleton, WI 53562
(608) 831-8708

By:

CONTEMPORARY COMMUNICATIONS



Larry G. Fuss, Consultant
P.O. Box 1787
Cleveland, MS 38732
(601) 846-1787

June 10, 1996



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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 253A
BATTLE MOUNTAIN, NEVADA**

BATTLE MOUNTAIN COMMUNICATIONS

Prepared May 20, 1996

**CONTEMPORARY COMMUNICATIONS
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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 253A
BATTLE MOUNTAIN COMMUNICATIONS
BATTLE MOUNTAIN COMMUNICATIONS**

INTRODUCTION

This Technical Exhibit supports the petition of BATTLE MOUNTAIN COMMUNICATIONS, seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 253A to Battle Mountain, Nevada, as that community's first local FM channel.

ALLOCATION

A study was performed using the computerized *SEARCHFM* frequency search program and the current FCC/NTIS database to determine if Channel 253A could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 253A may be allocated to Battle Mountain in full compliance with Section

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73.207(b), without the imposition of a site-restriction.

The "useable area" for Channel 253A is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Battle Mountain in which to locate a transmitter site. Assuming maximum Class A facilities (6 kw @ 100 meters above average terrain), a transmitter site at any location within the useable area would enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

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CONCLUSION

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 253A is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

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AFFIDAVIT

State of Mississippi }
County of Bolivar } ss.

Larry G. Fuss, being first duly sworn, deposes and states as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by Battle Mountain Communications to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

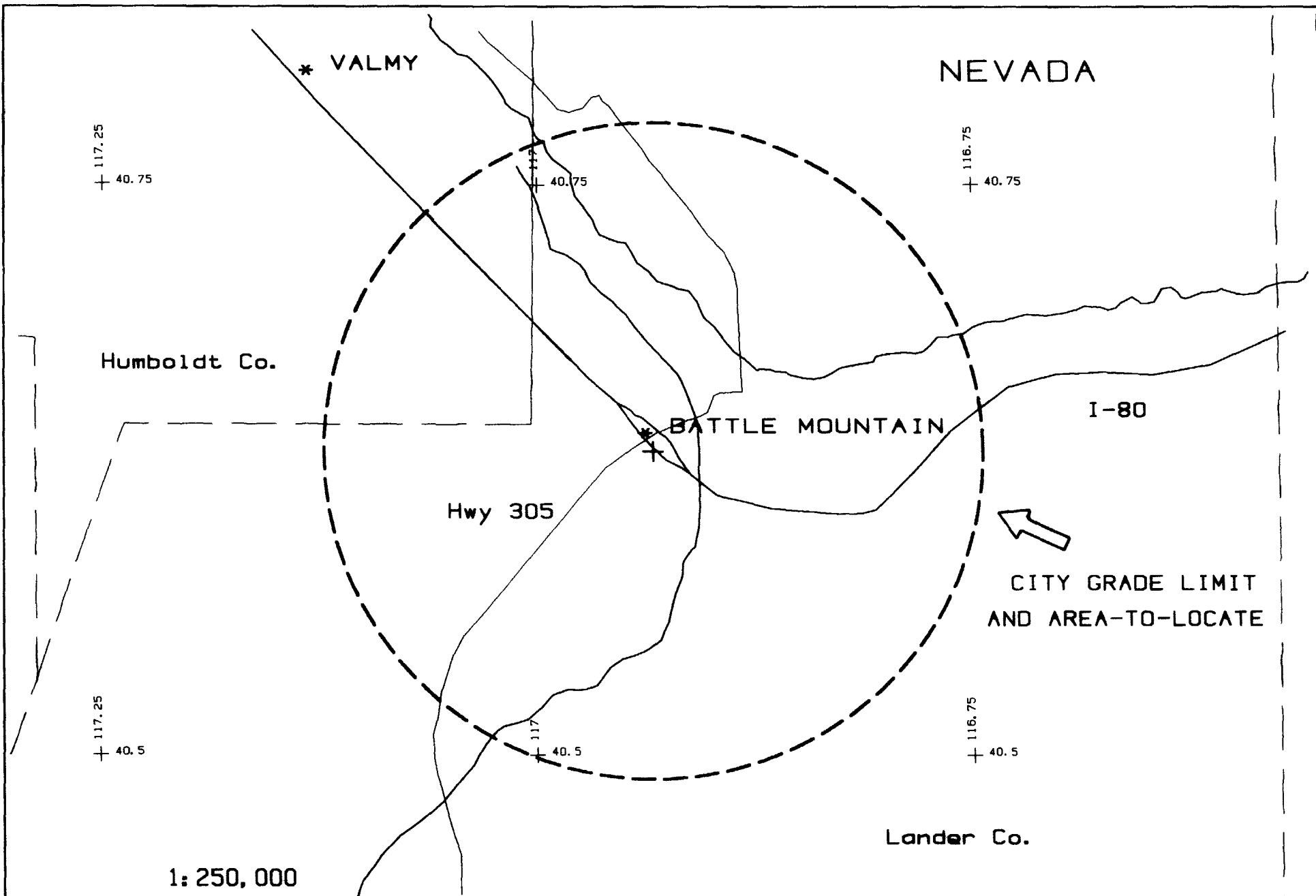
Larry G. Fuss
Larry G. Fuss
Affiant

5/20/96
Date

Subscribed and sworn to before me this 20 day of May, 1996

Cindy C. Oliver
Notary Public

My commission expires:



**CONTEMPORARY COMMUNICATIONS
BROADCAST CONSULTANTS**

***** EXHIBIT B ***
BATTLE MOUNTAIN NEVADA**

REFERENCE

40 38 00 N
116 56 00 W

CLASS = A

Current Spacings

DISPLAY DATES

**DATA 04-26-96
SEARCH 05-19-96**

----- Channel 253 - 98.5 MHz -----

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.			HAAT			
KGZH.C	CPM 254C1	Nyssa	OR	307.59	0.5	133.0	174.59
43 24 09	116 54 09	CN	100.000 kW	295 M			
Mason Broadcasting, Inc.				BMPH950927IA	951011		
KBUL	LI 251C	Carson City	NV	281.54	238.0	95.0	186.54
39 15 32	119 42 06	CY	74.000 kW	699 M			
Citadel Broadcasting Company				BLH950504KB	950802		
KLJVFM	LI 256C1	Mountain Home	ID	307.39	21.1	75.0	232.39
43 12 20	115 33 58	CN	100.000 kW	106 M			
Valley Mountain Broadcasting,				BLH931213KD	950908		
KCMT	LI 255C	Chester	CA	349.58	264.0	95.0	254.58
40 14 00	121 01 11	CN	25.000 kW	737 M			
Ralph E. Wittick				BLH890427KB	900813		
KQFC	LI 250C	Boise	ID	353.29	10.9	95.0	258.29
43 45 12	116 06 08	CN	47.000 kW	762 M			
Pacific Northwest Broadcastin				BLH7484	880811		
KGVM.A	AP 256C3	Gardnerville-Minden	NV	307.91	235.9	42.0	265.91
39 02 35	119 52 49	ZCN	0.160 kW	888 M			
Carson Valley Radio, Inc.				BMPH921223IG	930126		
From Channel 257A Per D90-461							
KGVM.C	CP 256C3	Gardnerville-Minden	NV	310.88	234.1	42.0	268.88
38 57 35	119 50 36	ZCN	6.900 kW	-249 M			
Carson Valley Radio, Inc.				BPH910610ID	931020		
From channel 257A per D90-461							
AP255	AP 255C	Pioche	NV	365.65	145.6	95.0	270.65
37 53 44	114 34 41	CN	5.000 kW	1029 M			
Highland Broadcasters				BPH960112ME	960415		
ALOPEN	AL 255A	Pioche	NV	368.72	143.8	31.0	337.72
37 55 47	114 27 05	N	0.000 kW	0 M			
93-275							
WO= 941121							
Effective 11-21-94-First Come First Serve Allotment							
950228							
